

Amendments to Senate Bill No. 118
3rd Reading Copy

Requested by Senator Bradley Hamlett

For the House Natural Resources Committee

Prepared by Jason Mohr
March 27, 2015 (1:01pm)

1. Title, page 1, line 6.

Following: "DISRUPTION"

Insert: "AND UNDER CERTAIN CIRCUMSTANCES; EXEMPTING THE REQUIRED NOTICE UNTIL A WATER RIGHT HAS BEEN ADJUDICATED;"

2. Page 2, line 2 through line 8.

Strike: subsections 5 and 6 in their entirety

Insert: "(5)(a) If an appropriator ceases to use all or part of an appropriation right because the means of conveyance for an appropriation is disrupted, impeded, or otherwise blocked due to no fault of the appropriator, this does not represent an intent by the appropriator to wholly or partially abandon any portion of the appropriation right reliant upon the conveyance.

(b) This subsection (5) only applies if the appropriator:

(i) notifies the department by certified mail within 1 year of the disruption, impediment, or blockage;

(ii) demonstrates reasonable diligence in having the means of conveyance repaired or replaced; and

(iii) does not cease water use for more than 10 successive years during which water was available for use.

(6) Subsections (1), (2), and (5) do not apply to existing rights until they have been finally determined in accordance with part 2 of this chapter."

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